

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

1366

CA 11-00740

PRESENT: PERADOTTO, J.P., LINDLEY, GREEN, AND GORSKI, JJ.

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ART CAPITAL PARTNERS, LP, ART HOLDINGS, LLC,  
KEITH A. BLAKELY, LINDA B. BLAKELY, W. DALE  
COMPTON, AS TRUSTEE UNDER THE W. DALE COMPTON  
TRUST AGREEMENT DATED MAY 18, 1977, MICHAEL T.  
KELLEY, JAMES W. TAKACS, AS TRUSTEE OF THE  
EVANS FAMILY TRUST, ROGER STORM, WARBURG,  
PINCUS CAPITAL PARTNERS, L.P., JAMES B. ADLER,  
HARVEY H. BLAKELY, E. JOHN FINN, ANDREW G.  
KNAFEL AND SIDNEY R. KNAFEL, INDIVIDUALLY AND  
AS TRUSTEES OF THE DOUGLAS R. KNAFEL TRUST  
(1983), DON KOSTER, GEORGE PASHEL, PINPOINT  
PARTNERS I, MARY T. SPOHN AND JAMES H. STEINER,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

TYCO ACQUISITION CORP. XVIII, NOW KNOWN AS  
MA/COM TECH HOLDINGS, INC., TYCO ELECTRONICS  
CORPORATION, TYCO INTERNATIONAL (US) INC.,  
TYCO INTERNATIONAL LTD., AND M/A-COM CERAM,  
INC., DEFENDANTS-APPELLANTS.

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DEWEY PEGNO & KRAMARSKY LLP, NEW YORK CITY (THOMAS E.L. DEWEY OF  
COUNSEL), AND PHILLIPS LYTTLE LLP, BUFFALO, FOR DEFENDANTS-APPELLANTS.

ZDARSKY, SAWICKI & AGOSTINELLI LLP, BUFFALO (JOSEPH E. ZDARSKY OF  
COUNSEL), FOR PLAINTIFFS-RESPONDENTS.

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Appeal from a judgment of the Supreme Court, Erie County (John A.  
Michalek, J.), entered December 30, 2010. The judgment awarded  
plaintiffs the sum of \$5,719,050.24 against defendants.

It is hereby ORDERED that the judgment so appealed from is  
unanimously affirmed without costs for reasons stated in the decision  
at Supreme Court.

Entered: December 23, 2011

Frances E. Cafarell  
Clerk of the Court